

REMARKS

In reply to the Office Action of December 19, 2003, Applicant cancels the pending claims, adds new claims and submits the following remarks. Thus, claims 31-48 are now pending, of which claims 31 and 40 are independent, claims 1-4 are cancelled by this amendment, and claims 31-48 are added by this amendment.

Claims 1-4 were rejected under 35 U.S.C. § 102 as being anticipated by Klemba (U.S. Patent No. 5,651,068). This rejection is rendered moot by the cancellation of claims 1-4.

However, because the Applicant has cancelled claims 1-4 and added new claims 31-48, the following remarks are added to advance prosecution.

New independent claim 31 recites a method for controlling cryptographic functions of an application program. The method includes accessing a policy file used for controlling cryptographic functions of an application program. The policy file reflects a state associated with the policy file. The policy file includes an attribute portion configured to store one or more cryptographic policy attributes, each of which represents a cryptographic function. The policy file also includes a value portion having one or more attribute values. Each attribute value corresponds to a cryptographic policy attribute and indicates whether an application program may use the cryptographic policy represented by the cryptographic policy attribute. The method also includes selectively retrieving at least one of encryption information and decryption information from the policy file, selectively processing the retrieved encryption information and decryption information from the policy file in accordance with a predetermined capability condition, and providing at least one of allowable encryption levels and decryption levels to the application program.

Notably, claim 31 recites a policy file that controls the cryptographic functions of an application program and reflects a state associated with the policy file. In particular, the policy file of claim 31 includes an attribute portion and a value portion, and through the relationship of these elements, determines whether a particular cryptographic policy is operable. In contrast, Klemba, through the use of a hardware device (specifically, a national flag card), controls the cryptographic functions of the cryptographic engine.

The shortcomings of Klemba are believed to be apparent. As such, the Applicant requests allowance of claim 31 and claims 32-39 which depend, directly or indirectly, from claim 31.

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New independent claim 40 recites an apparatus having the elements described above with respect to claim 31. As described above, Klemba does not describe or suggest these elements, thus failing to describe or suggest the subject matter of claim 40. For at least these reasons, the Applicant requests allowance of claim 40 and claims 41-48 which depend, directly or indirectly, from claim 40.

New claims 31-48 find support, at least, in the specification at page 13, lines 18-25. Applicant submits that no new matter has been added.

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this reply should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this reply, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Pursuant to 37 CFR §1.136, applicant hereby petitions that the period for response to the action dated December 19, 2003, be extended for one month to and including April 19, 2004.

Enclosed is a check in the amount of \$110.00 for the one-month Petition for Extension of Time fee. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: 4-19-04

Barbara A Benoit
Barbara A. Benoit
Reg. No. 54,777

Customer No.: 26171
Fish & Richardson P.C.
1425 K Street, N.W.
11th Floor
Washington, DC 20005-3500
Telephone: (202) 783-5070
Facsimile: (202) 783-2331
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